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GAMBLING COMMISSION
COMM & LEGAL DIVISION

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GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Suspension of the)
Licenses to Conduct Gambling Activities of:)
Joker's Casino Sports Bar and Fiesta Card Room)
Richland, Washington,)
Licensee.)
_____)

No. CR 2010-00505

SETTLEMENT ORDER

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HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Joker's Casino and Sports Bar and Fiesta Card Room (Joker's Casino). The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is represented by Jerry Howe, highest ranking member.

II.

The Washington State Gambling Commission issued Joker's Casino, organization number 00-15224, the following licenses:

Number 67-00006, Authorizing Class "9" House-Banked Card Room Activity;
Number 05-08474, Authorizing Class "C" Punchboard/Pull-Tab Activity; and
Number 53-01237, Authorizing Commercial Amusement Game Activity.

The licenses expire on December 31, 2010, and were issued subject to the licensee's compliance with state gambling laws and regulations.

III.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on June 10, 2010. On June 24, 2010, Commission staff received the licensee's request for a hearing.

IV.

The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

On April 24, 2010, the licensee allowed a person under the age of eighteen (a minor) to gamble in its card room, violating WAC 230-06-010. The licensee failed to ensure that employees follow its system of internal controls. The licensee was previously issued a NOVAS¹ on November 14,

¹ NOVAS – A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

2009, for allowing a minor to gamble. Grounds exist to suspend Joker's Casino's licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

RCW 9.46.075 Denying, Suspending or revoking a license or permit

The Commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Denying, Suspending or revoking a license or permit

We may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

WAC 230-06-010 Age restriction for players

No person must allow anyone under the age of eighteen to participate in gambling activities except: (1) To play in licensed bingo games when accompanied by an adult member of his or her immediate family or a guardian, who is at least eighteen years old; or (2) To play bingo at agricultural fairs or school carnivals; or (3) To play amusement games; or (4) To sell raffle tickets for a charitable or nonprofit organization.

WAC 230-15-425 Internal controls

(1) House-banked card game licensees must:

(a) Adopt internal controls in the format we require; and

(b) Ensure that all games are closely controlled and operated in accordance with gambling laws, our rules, and the house-banked card game licensee's internal controls (ICs); and

(c) Follow all ICs at all times; and

(d) Have all ICs available to us at all times at the licensed business premises; and

(e) Have the ICs available to card room employees for their individual functions; and

(f) Ensure that card room employees are knowledgeable in all accounting and internal control procedures for their individual functions and ensure that employees follow the ICs.

(2) Licensed card room employees must follow the internal control procedures for their individual functions.

V.

The licensee acknowledges that it has read the Notice of Administrative Charges, and understands the facts contained in it. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

1) The licensee agrees that Joker's Casino's licenses are hereby suspended for a period of **five (5) days**, provided that:

a) **Four (4) days** of the suspension shall not be currently served, but shall be deferred for a period of one year from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates these statutes or regulations and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the four-day suspension of the current gambling license(s) and any subsequently acquired gambling licenses.

b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this section has occurred, he may suspend the license(s) issued to the licensee, and any subsequently acquired licenses, for up to four days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

2) The licensee has chosen to serve the remaining **one (1) day** of the suspension.

i. **The suspension period begins at 8:00 a.m. on Sunday, August 1, 2010, and ends at 8:00 a.m. on Monday, August 2, 2010.**

ii. During this period of suspension, no gambling activities shall take place at the licensed premises.

3) **The signed order must be received by Commission staff on or before Wednesday, July 28, 2010.** The order must be mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

or delivered (in person or via private courier) to the following address:

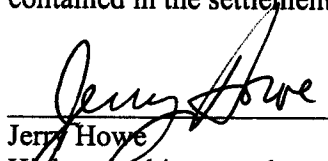
Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 24th day of July, 2010.

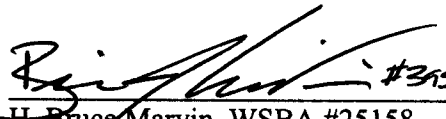

Administrative Law Judge


APPROVED FOR ENTRY:

By the signature below, the licensee understands the terms and conditions contained in the settlement order.

 7/24/2010
Jerry Howe (DATE)
Highest ranking member
Joker's Casino

APPROVED AS TO FORM:

 #31517
H. Bruce Marvin, WSBA #25158 for
Assistant Attorney General
Representing the Washington State
Gambling Commission


Melinda Froud, WSBA #26792
Lead Staff Attorney,
Washington State Gambling Commission